

Remarks

This Amendment is responsive to the non-final Office Action mailed September 3, 2004. In this Office Action, claims 14-18, 20-22, 26, 56, 59-65 and 67-69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application No. 5,694,323 (Koropitzer); claim 57 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koropitzer in view of U.S. Patent No. 4,707,848 (Durstion); claims 23-25 and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koropitzer in view of U.S. Patent No. 5,961,561 (Wakefield, II); and claim 66 was rejected under 35 U.S.C. §103(a) as being unpatentable over Koropitzer in view of U.S. Patent No. 5,619,183 (Ziegra). Additionally, the Examiner kindly indicated that claims 1-13 and 43-55 were allowed.

As a result of this Amendment, claims 14, 26, 56 and 59-60 are hereby amended. Claims 1-26 and 43-69 therefore remain pending in the present application. Reconsideration of the instant rejections is respectfully requested in view of the amendments above and the remarks below.

A. Comments on the Examiner's Statement on Reasons for Allowance

Applicant sincerely appreciates the Examiner's identification of allowability of claims 1-26 and 43-55 and acknowledges the Examiner's reasons for allowance provided on pages 7-8 of the September 3rd Office Action. Applicant respectfully notes that these reasons for allowance are not the only reasons that claims 1-26 and 43-55 are allowable over the art of record. Indeed, further reasons for allowance of these claims beyond those enumerated in the Examiner's statement are described and set forth in the specification of the present application.

B. Claim Rejections

In the Office Action, claims 14-18, 20-26, 56-69 were rejected as being either anticipated by or obvious in view of Koropitzer on the grounds that claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Office Action, at page 2 (citing *In re Danly*, 263 F.2d 844, 847, 120 U.S.P.Q. 582, 531 (CCPA 1959)). In response to these rejections, Applicant has amended both claims 14 and 56 to recite a means-plus-function limitation generally corresponding to the function of analyzing a provider identification code input by a field service provider (or user, as in claim 56). With respect to the function of claim

14, the provider identification code is analyzed to select specific advisory information for the field service provider. With respect to claim 56, the provider identification code is analyzed to determine if the user is authorized to access advisory information data structures associated with a specific (i.e., “first”) destination facility. Accordingly, with the amendments to both claims 14 and 56, Applicant hereby invokes 35 U.S.C. §112, para. 6 such that the functional recitations of both claims distinguish the claimed structures from the structure taught by Koropitzer. Claims 14 and 56 are therefore allowable over Koropitzer for at least the same reasons as claims 1-26 and 43-55. Due at least to the dependency of claims 15-26 to claim 14 and claims 57-69 to claim 56, these claims are also believed allowable over Koropitzer.

CONCLUSION

This Amendment is believed to be fully responsive to the Office Action mailed September 3, 2004. Still, the Office Action may contain other arguments that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument to have merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, that are not shown, taught, or otherwise suggested by Koropitzer, Durston, Wakefield, II or Ziegra. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Should the Examiner have any remaining questions or concerns, he/she is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns. No fees are believed due for the submission of this Amendment into the present application. However, if this is not the case, please charge any required fees, including any extension fees under 37 C.F.R. §1.136(a) necessary to maintain pendency of the present application, to Deposit Account No. 13-2725.

Dated: November 8, 2004



Respectfully submitted,

A handwritten signature in black ink, appearing to read "David D. Wier". The signature is written over a horizontal line.

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